



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TYRICE AUSTIN

Plaintiff,

- against -

METRO-NORTH COMMUTER RAILROAD

Defendant.  
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22-CV-1645 (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

The Court having been advised by the parties that all claims asserted in this action have been settled (Dkt. 36), it is ordered that the above-entitled action be, and hereby is, dismissed without costs (except as the parties may agree in settlement); provided, however, that if the settlement is not consummated within **60 days** of this Order, either party may apply by letter within that period to restore the action to the calendar. Any application to reopen must be filed within 60 days of this Order, and any application to reopen filed thereafter may be denied solely on that basis. If the parties wish for the Court to retain jurisdiction to enforce a settlement agreement, the agreement must be filed publicly, and an order of the Court must be entered to that effect within the 60-day period. *See Hendrickson v. United States*, 791 F.3d 354, 358 (2d Cir. 2015). Any pending motions are moot and shall be terminated.

The Clerk of Court is respectfully directed to terminate all pending motions, vacate all remaining conference dates and other deadlines, and close this case.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: May 10, 2023  
New York, New York

Copies transmitted this date to all counsel of record.